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EXAMINER

BARTLEY, KENNETH

ART UNIT

PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/056,795	WHITNEY, PATRICK G.	
	Examiner	Art Unit	
	Kenneth L. Bartley	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/24/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-32 have been examined.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Below are examples of claims the examiner found

that are unclear and/or lack antecedent basis. The applicant is encouraged to review all claims for compliance with 35 U.S.C. 112, second paragraph.

Claim 1:

- i. "providing a vendor database..." but it does not say who is provided the vendor database, such as "providing to a customer a vendor database....";
- ii. "...receiving an application for a loan..." but it does not say who receives the application, such as a financial institution;
- iii. "... a first set of criteria," is indefinite because it could be almost anything, however, it is likely related to financial information about the customer, such as income, credit score, etc.;
- iv. between steps b) and c) there appears to be a step missing. For a customer to receive the executed note, the customer must first execute the note;
- v. "...the executed note..." is lacking antecedent basis;
- vi. "...the financial institution." is lacking antecedent basis.

Claim 4:

"...the first set of criteria is a credit rating score based upon the financial records of a vendor." This does not make sense (the vendor credit rating) and "...the financial records..." is lacking antecedent basis.

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Claim 5: "...a second set of criteria." is also indefinite because it could be almost anything.

Claim 6:

"...a credit rating score based upon the financial records of the customer." This does not make sense (credit rating of the customer... should be credit rating of the vendor?).

Further, "the second set of criteria is a credit rating score..." but a "set" denotes more than one. Also, "...the financial records..." is lacking antecedent basis.

Claim 7: "...the sale of a service..." lacks antecedent basis for the sale.

Claim 8: "the obligation" and "the purchased service" lack antecedent basis.

Claim 9: "the sale of goods" lacks antecedent basis.

Claim 11:

- i. There appears to be a step missing between forwarding the note to the customer for execution and receiving the executed note;
- ii. It is not clear who receives a service charge payment from the financial institution.

Claim 12:

- i. "...a second set of criteria" is indefinite because it could be almost anything and it does not make sense because there is no first set of criteria (looking at claims 11 and 12 by themselves);

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ii. "the goods and services" and "the vendor database" lack antecedent basis.

Claim 13: "the set of criteria is a credit rating score..." but the word "set" seems to indicate more than one. Also, "the financial records" lacks antecedent basis.

Claim 15: "the sale of a service" lacks antecedent basis.

Claim 16: "the obligation" and "the purchased service" lack antecedent basis.

Claim 17: "the sale of goods" lacks antecedent basis.

Claim 19:

- i. "...certain respective criteria..." is indefinite because it could be anything;
- ii. "providing a vendor database..." and "providing a list of financial institutions..." should indicate who is being provided, for example a customer;
- iii. "the goods and services offered..." lacks antecedent basis;
- iv. The statement "providing a list of financial institutions that have agreed to provide financing under if certain respective criteria are met;" where the word "under" does not make sense;
- v. There should be a step where the financial institution approves the loan;
- vi. There should be a step where the customer executes the note;
- vii. It is not clear who receives the service charge payment in the last step.

Claim 20: "...vendor satisfies a first set of criteria." is indefinite.

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Claim 21: "...the fist set of criteria is a credit rating" where "fist should probably be "first" and set of criteria indicates more than one. Also, "...the financial records" lacks antecedent basis.

Claim 22: "...the sale of a service" lacks antecedent basis.

Claim 23: "...the obligation" and "...the purchases service." lack antecedent basis.

Claim 24: "...the sale of goods" lacks antecedent basis.

Claim 26: "create an entry in the customer database..." lacks antecedent basis;

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 2, 5, 7, and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by USMED (www.USMED.com, Internet Archive WayBackMachine, Oct. 8, 1999).

Regarding applicant claim 1:

A method for financing a transaction between a vendor and a customer comprising:
providing a vendor database describing a plurality of vendors and the goods and services offered by each respective vendor;

USMED provides:

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“...visit the Find a Doctor section of our web site for a complete list of our featured, participating doctors.” (pg. 2 of 5, Q3 (3rd Question)).

receiving an application for a loan from the customer to finance a transaction between the customer and a vendor listed in the vendor database;

A loan approval process where “Anybody over 18 years of age can apply.” (pg. 3 of 5, Q1 (1st Question)).

if the customer satisfies a first set of criteria, then performing the following steps a) through d):

a) approving the grant of a loan to the customer;

“Our goal is to approve as many patient applications as possible.” (pg. 3 of 5, Q1)

b) providing a note to the customer, the note describing a principal amount to be financed, an amount of interest to be assessed, and a term of the note;

“At the doctor’s office you will sign and receive your copy of the contract.” (pg. 3 of 5, Q4) USMED provides a response from their signed application that includes the “interest rate, term of the loan, how to calculate the monthly payment...” (pg. A - 1 of 2, para. 2).

From this the amount of interest and the principal amount to be financed can be determined.

c) receiving the executed note from the customer;

“USMED will provide you with application forms that your patients can complete in a couple of minutes. The form is then faxed to...USMED...USMED will fax a response back to your office. The response informs the patient of USMED’s decision on the credit application...” (pg. A - 1 of 2, para. 2)

d) performing steps e) through g) until the full amount of the note has been paid;

e) receiving a payment from the customer, the payment comprising a principal amount and an interest amount;

USMED provides an example of what monthly payments from a customer would look like. These include a loan amount and a finance rate, from which an interest amount could presumably be calculated. (pg. 4 of 5, Q2)

f) depositing the principal amount in an account corresponding to the vendor; and

USMED discloses that they provide financing for vendor services (pg. 1 of 5, Q1), therefore, the vendor would receive the principal amount.

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g) depositing the interest amount in an account corresponding to the financial institution.

**"USMED offers very competitive rates and terms..." (pg. 2 of 5, Q4),
therefore, USMED is receiving the interest from the loaned money.**

Regarding claim 2:

A method according to claim 1, further comprising:

receiving a request from a customer for a list of vendors that provide a requested good or service;

USMED discloses:

A customer can "Locate a potential provider, please click here..." (pg. 2 of 5, Q3)

retrieving a list of vendors that provide the requested goods or service from the vendor database; and providing the requested list of vendors to the customer.

A customer receives "... a complete list of our featured, participating doctors." (pg. 2 of 5, Q3)

Regarding claim 5:

A method according to claim 1, further comprising:

receiving an application from a vendor; and

adding the vendor to the vendor database if the vendor satisfies a second set of criteria.

USMED discloses:

Doctors (vendor) can be added to the vendor database..."JOIN US TODAY: Take a couple of minutes to complete our on-line form and we will contact you within 24 hours." (pg. B - 2 of 2, para. 2) Since there is a form that has to be filled out and the response is not automatic, presumably there is a minimum set of vendor criteria required.

Regarding claims 7 and 9:

(claim 7) A method according to claim 1, wherein the transaction to be financed is the sale of a service from the vendor to the customer.

(claim 9) A method according to claim 1, wherein the transaction to be financed is the sale of goods from the vendor to the customer.

The process recited in claims 7 and 9 is independent of the type of good or service and is therefore inherent (see claim 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 3, 8, 11, 12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USMED (www.USMED.com, Internet Archive WayBackMachine, Oct. 8, 1999) in view of Official Notice.

Regarding claim 3:

A method according to claim 1, wherein if the customer satisfies the first set of criteria, then performing the following:

forwarding to the customer, a negotiable instrument payable in the principal amount of the note to the order of the customer and the vendor; and receiving the negotiable instrument from the vendor, wherein the negotiable instrument has been indorsed by the customer and the vendor.

USMED discloses:

“Patient receives maximum credit line available.” (pg. A – 1 of 2, para. 1)

Also, in the “comfort of your office your patient completes the form and your staff faxes it toll-free or e-mails it to our office....After the procedure is completed we remit your non-recourse payment within 24 hours.” (pg. B – 1 of 2) The effect of this is that the customer has a negotiable instrument

(line of credit) related to services that will be provided. The vendor receives the (non-recourse) payment. The Examiner takes Official Notice that it was old and well known in the art at the time the invention was made that a borrower (customer in this case) can endorse negotiable instruments over to another party, who can also endorse the instrument. This process saves time and effort for both parties.

Regarding claims 8:

A method according to claim 7, wherein the obligation of the customer to pay the note does not arise until after the vendor has provided the purchased service.

USMED discloses:

Although USMED discloses a payment system for customers and vendors, and that, for example, "... a down payment is not required." (pg. 3 of 5, Q 3) he does not disclose that payment can be made when vendor has provided the purchased service. The Examiner takes Official Notice that it was old and well known in the art at the time the invention was made that payments are made after services are rendered and this, for example, allows the vendor to provide a final and not an estimated bill to a customer, preventing the need for further collections or refunds.

Regarding applicant claim 11:

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A method for facilitating financing of a transaction between a vendor and a customer comprising:

receiving an application for a loan from the customer;

USMED discloses:

“USMED will provide you with application forms that your patients can complete in a couple of minutes. (pg. A - 1 of 2, para. 2)

forwarding the loan application to a financial institution;

USMED is experienced in medical financial services and offers financing for various services, therefore, it is a financial institution.

receiving a loan approval and a note from the financial institution, the note describing a principal amount to be financed, an amount of interest to be assessed, a service charge to be assessed, and a term of the note;

“The form is then faxed to...USMED...USMED will fax a response back to your office. The response informs the patient of USMED’s decision on the credit application...” Also, USMED provides a response from their signed application that includes the “interest rate, term of the loan, how to calculate the monthly payment... (pg. A - 1 of 2, para. 2). From this the amount of interest and the principal amount to be financed can be determined.

forwarding the note to the customer for execution;

“USMED will provide you with application forms that your patients can complete in a couple of minutes.” (pg. A - 1 of 2, para. 2)

receiving the executed note from the customer;

forwarding the executed note to the financial institution;

“The form is then faxed to...USMED...USMED will fax a response back to your office. The response informs the patient of USMED’s decision on the credit application...” (pg. A- 1 of 2, para. 2)

notifying the vendor that the customer has executed the note; and

“After the procedure is complete we remit your non-recourse payment within 24 hours.” (pg. B – 1 of 2). This would inform the vendor that the customer has executed the note.

receiving a service charge payment from the financial institution after the customer has made a payment on the note to the financial institution.

Although USMED discloses facilitating financing a transaction between a vendor and a customer, it does not disclose details regarding service charges. The Examiner takes Official Notice that it was old and well known in the art at the time the invention was made to provide for service charges for loan transactions since

this compensates for costs such as application processing and accounting expenses for creating and processing loans.

Regarding claim 12:

A method according to claim 11, further comprising:

providing a vendor database comprising a plurality of vendors and the goods and services provided by each respective vendor;

USMED discloses:

“...a complete list of our featured, participating doctors.” (pg. 2 of 5, Q3 (3rd Question)). They can provide services, such as cosmetic plastic surgery or offer goods such as jackets, crowns and bridges (pg. C – 1 of 2).

receiving an application from a vendor; and adding the vendor to the vendor database if the vendor satisfies a second set of criteria.

Doctors (vendor) can be added to the vendor database...“JOIN US TODAY: Take a couple of minutes to complete our on-line form and we will contact you within 24 hours.” (pg. B - 2 of 2, para. 2)

Regarding claim 14:

A method according to claim 12, further comprising:

receiving a request from a customer for a list of vendors that provide a requested good

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or service;

USMED discloses:

A customer can “Locate a potential provider, please click here...” (pg. 2 of 5, Q3)

retrieving a list of vendors that provide the requested goods or service from the vendor database; and providing the requested list of vendors to the customer.

A customer receives “... a complete list of our featured, participating doctors.” (pg. 2 of 5, Q3)

Regarding claims 15 and 17:

(claim 15) A method according to claim 11, wherein the transaction to be financed is the sale of a service from the vendor to the customer.

(claim 17) A method according to claim 11, wherein the transaction to be financed is the sale of goods from the vendor to the customer.

The process recited in claims 15 and 17 is independent of the type of good or service and is therefore inherent (see claim 11).

Regarding claims 16:

A method according to claim 15, wherein the obligation of the customer to pay the note does not arise until after the vendor has provided the purchased service.

USMED discloses:

Although USMED discloses a payment system for customers and vendors, and that, for example, "... a down payment is not required." (pg. 3 of 5, Q 3) he does not disclose that payment can be made when vendor has provided the purchased service. The Examiner takes Official Notice that it was old and well known in the art at the time the invention was made that payments are made after services are rendered and this, for example, allows the vendor to provide a final and not an estimated bill to a customer, preventing the need for further collections or refunds.

9. Claims 10, 13, 18, 19, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section 8, above, in further view of U.S. Patent No. 7,082,412 to Treider et al..

Regarding claims 10, 18, and 25:

A method according to claim 1, wherein the note is guaranteed by the vendor.

Although USMED discloses financing transactions between vendors, customers and a financial institution, it does not disclose details of guaranteeing a note by a vendor. Treider et al., in the same field of endeavor of financing transactions between vendors, customers and financial institutions discloses:

Prior art has payment systems where there is not a guarantee of payment, therefore, the vendor would be responsible for any

obligation incurred relative to the receivable. (col. 2, lines 31-36)

Therefore, the note would be guaranteed by the vendor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention motivated by Treider et al., to consider guaranteeing a note by a vendor and that this would enhance the likelihood that a customer would receive financing and therefore purchase services from a vendor.

Regarding claims 13 and 21:

A method according to claim 12, wherein the second set of criteria is a credit rating score based upon the financial records fo the vendor.

Although USMED discloses financing transactions between vendors, customers and a financial instution, they do not disclose using credit rating score for a vendor. The Examiner takes Official Notice that it was old and well known in the art at the time the invention was made to use credit scores to evaluate the credit of vendors and customers because this provides useful information regarding the payment history and from this information risk of default could be reduced.

Regarding claim 19:

A method for facilitating financing of a transaction between a vendor and a customer comprising:

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providing a vendor database describing a plurality of vendors and the goods and services offered by each respective vendor;

USMED discloses:

“...a complete list of our featured, participating doctors.” (pg. 2 of 5, Q3 (3rd Question)). They can provide services, such as cosmetic plastic surgery or offer goods such as jackets, crowns and bridges (C – pg 1 of 2).

providing a list of financial institutions that have agreed to provide financing under if certain respective criteria are met;

(below)

receiving a request from a customer for a list of vendors that provide a requested good or service;

USMED discloses:

“...a complete list of our featured, participating doctors.” (pg. 2 of 5, Q3 (3rd Question)).

retrieving a list of vendors that provide the requested goods or service from the vendor database; and providing the requested list of vendors to the customer;

“...a complete list of our featured, participating doctors.” (pg. 2 of 5, Q3 (3rd Question)). They can provide services, such as cosmetic plastic surgery or offer goods such as jackets, crowns and bridges (C – pg 1 of 2).

receiving an application for a loan from the customer, the application including financial information about the customer;

“USMED will provide you with application forms that your patients can complete in a couple of minutes. (pg. A - 1 of 2, para. 2) The application has financial information about the customer (D – pg. 3 of 7).

selecting a financial institution from the list of financial institutions based upon the financial information about the customer;

(below)

forwarding the loan application to the selected financial institution;

“The form is then faxed to...USMED...USMED will fax a response back to your office.” (pg. A - 1 of 2, para. 2)

receiving a loan approval and a note from the selected financial institution, the note describing a principal amount to be financed, an amount of interest to be assessed, a service charge to be assessed, and a term of the note;

forwarding the note to the customer for execution;

The response informs the patient of USMED’s decision on the credit application...” (pg. A - 1 of 2, para. 2) USMED provides a response from

their signed application that includes the “interest rate, term of the loan, how to calculate the monthly payment...”

receiving the executed note from the customer;

In the “comfort of your office your patient completes the form and your staff faxes it toll-free or e-mails it to our office....After the procedure is completed we remit your non-recourse payment within 24 hours.” (pg. B – 1 of 2) The effect of this is that the vendor must receive the note from the customer in order to receive payment.

forwarding the executed note to the selected financial institution;

(below)

notifying the vendor that the customer has executed the note; and

USMED discloses:

“After the procedure is complete we remit your non-recourse payment within 24 hours.” (pg. B – 1 of 2). This would inform the vendor that the customer has executed the note.

receiving a service charge payment from the selected financial institution after the customer has made a payment on the note to the selected financial institution.

(disclosed in earlier section)

Although USMED discloses financing transactions between vendors, customers and a financial institution, it does not disclose details of a plurality of financial institutions. Treider et al., in the same field of endeavor of financing transactions between vendors, customers and financial institutions discloses:

Linking users with financial institutions, (col. 4, lines 3-6), therefore, users have access to more than one financial institution. Also, an identifying symbol, that "...represents a profile enabling users to obtain and utilize credit to facilitate purchases of goods, services, and other intangibles through the system." (col. 8, lines 50-59)

"If the application is approved, the amount of credit is recorded for the user and the user is accordingly informed of approval..." (col. 12, lines 19-22 and Fig. 15). Therefore, the financial institution receives the note in order to record the credit amount.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention motivated by Treider et al., to include a provide details for a plurality of financial institutions in order to offer users the opportunity of more than one financial institution should they be denied credit and also methods to record and notify users when credit is approved, which will expedite the benefit to the users of the credit.

Regarding claim 20:

A method according to claim 19, further comprising:

receiving an application from a vendor; and

adding the vendor to the vendor database if the vendor satisfies a first set of criteria.

USMED discloses:

Doctors (vendor) can be added to the vendor database..."JOIN US TODAY:

Take a couple of minutes to complete our on-line form and we will contact you within 24 hours." (pg. B - 2 of 2, para. 2) Since there is a form that has to be filled out and the response is not automatic, presumably there is a minimum set of vendor criteria required.

Regarding claims 22 and 24:

(claim 22) A method according to claim 19, wherein the transaction to be financed is the sale of a service from the vendor to the customer.

(claim 24) A method according to claim 19, wherein the transaction to be financed is the sale of goods from the vendor to the customer.

The process recited in claims 22 and 24 is independent of the type of good or service and is therefore inherent (see claim 19).

Regarding claim 23:

A method according to claim 22, wherein the obligation of the customer to pay the note does not arise until after the vendor has provided the purchased service.

USMED discloses:

Although USMED discloses a payment system for customers and vendors, and that, for example, "... a down payment is not required." (pg. 3 of 5, Q 3) he does not disclose that payment can be made when vendor has provided the purchased service. The Examiner takes Official Notice that it was old and well known in the art at the time the invention was made that payments are made after services are rendered and this, for example, allows the vendor to provide a final and not an estimated bill to a customer, preventing the need for further collections or refunds.

10. Claims 26, 27, and 30-32 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 7,082,412 to Treider, et al..

Regarding claim 26:

A computerized system for facilitating financing of a transaction between a vendor and a customer, the system comprising:

a network server adapted for connection to a computer network;

Treider et al., disclose:

Providing an electronic platform preferably comprises providing an Internet web site having the platform for users to access..." (col. 4, lines 28-32).

a central processor comprising a computer processor and a computer memory encoded

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with instructions suitable for execution on the computer processor, wherein the central processor is electrically connected to the network server;

Computer networks, where “Buyers and sellers increasingly want to use the Internet to conduct their business electronically.” (col. 1, lines 36-39)

a database comprising a vendor database, and a financial institution database, wherein the database is electrically connected to the central processor;

An E-commerce web site that links vendor and financial institutions together via a profile database (col. 9, lines 39-41 and Fig. 1). Also, “...means for linking at least two users wherein the users consist of buyers, vendors, international licenses, and financial institutions...” (col. 5, lines 32-36)

wherein the instructions are adapted to command the processor to perform the following:

receive a request from a customer for a list of vendors that provide a requested good or service;

“Vendors benefit by reaching buyers through the system and offering credit to purchase their goods, services or other intangibles.” (col. 9, lines 10-12)

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retrieve a list of vendors that provide the requested goods or service from the vendor database; and provide the requested list of vendors to the customer;

“A search engine is used to locate the required information over a network of profiled vendors.” (col. 8, lines 63-64)

provide an electronic loan application to the customer;

“...existing customer or the new user visits the web site....The new user applies for membership and a line of credit...” (col. 10, lines 23-26).

receive a completed electronic loan application from the customer, the electronic loan application including financial information about the customer;

“...inputting data such as name, address, contact information, primary industry, credit insured amount ,payment history, credit usage... (col. 4, lines 32-37).

select a financial institution from the financial institution database based upon the financial information about the customer;

Linking users with financial institutions. (col. 4, lines 3-6) Also, an identifying symbol, that “...represents a profile enabling users to obtain and utilize credit to facilitate purchases of goods, services, and other intangibles through the system. The information and implementation of the present invention is preferably distributed electronically over data lines

into a worldwide web platform to facilitate users' purchase transactions or vendors' sales needs." (col. 8, lines 50-59) Therefore, while not stating selecting a financial institution, profile information is available of the user for financial institutions, so it seems reasonable that if credit was denied from one financial institution, another financial institution might provide it.

forward the electronic loan application to the selected financial institution;

receive an electronic loan approval from the selected financial institution;

Applications for credit and guarantees are forwarded to the financial institution for review..." (col. 10, lines 29-31). Also, "The information is then submitted to a financial institution and the financial institution either approves or disapproves the credit application." (col. 12, lines 16-17)

forward the electronic loan approval to the customer;

"If the application is approved, the amount of credit is recorded for the user and the user is accordingly informed of approval..." (col. 12, lines 19-22 and Fig. 15).

receive a first electronic notification from the selected financial institution, the first electronic notification describing a note executed by the customer;

"...and the user is accordingly informed of approval and the amount of credit." (col.12, lines 19-22)

provide a second electronic notification to the vendor indicating that the customer has executed the note;

Vendor can receive a purchase order from an eligible buyer. (col. 9, lines 39-43) This presumably would tell the vendor that the customer has executed the note.

create an entry in the customer database corresponding to the customer's loan, the entry comprising a customer account number and a balance amount;

"All users, whether buyers or sellers ("vendors") are put into a profile database that defines their credit amount, credit used, and credit available. A unique number is then assigned to each user..." (col. 8, lines 48-53).

receive a third electronic notification from the selected financial institution describing a payment amount received by the selected financial institution;

"Guaranteeing payment to vendors can alternatively comprise reassigning the receivable to the guaranteeing financial institution; making payment to the guaranteeing financial institution and forwarding payment from the guaranteeing financial institution to the vendor." (col. 4, lines 48-53).

Since the invention is based on electronic commerce, presumably payment would be electronically made and vendor would receive an electronic notification of some type.

determine a revised balance corresponding to the customer's loan based upon the payment amount described in the third electronic notification; and store the revised balance in the customer database.

“All users, whether buyers or sellers (“vendors”) are put into a profile database that defines their credit amount, credit used, and credit available. (col. 8, lines 48-53) Presumably the credit available would adjust for any changes.

Regarding claim 27:

A computerized system according to claim 26, wherein each of the electronic notifications comprises an e-mail message.

Treider et al., disclose:

“Buyers and sellers increasingly want to use the Internet to conduct their business electronically.” (col. 1, lines 26-38) Therefore, e-mail or electronic-mail would seem to be one form of doing business electronically.

Regarding claim 30:

A computerized system according to claim 26, wherein the database further comprises a customer database and the instructions are further adapted to command the processor to perform the following:

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after receiving the first electronic notification, create an entry in the customer database corresponding to the customer's loan, the entry comprising a customer account number and a balance amount;

Treider et al., disclose:

“If the application is approved, the amount of credit is recorded for the user and the user is accordingly informed of approval...” (col. 12, lines 19-22 and Fig. 15).

after receiving the third electronic notification, determine a revised balance corresponding to the customer's loan based upon the payment amount described in the third electronic notification; and store the revised balance in the customer database.

“All users, whether buyers or sellers (“vendors”) are put into a profile database that defines their credit amount, credit used, and credit available.” (col. 8, lines 48-53) Therefore, balance information would appear to be available at all times.

Regarding claim 31:

A computerized system according to claim 30, wherein the instructions are further adapted to command the processor to perform the following:

receive an electronic request for a balance amount from the customer;

Treider et al., disclose:

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"The user first attempts to conclude the transaction and the platform of the present invention ascertains the user's identity and compares their transaction with an available credit balance stored in the database." (col. 12, lines 58-61)

retrieve a balance amount from the customer database; and

"If their available balance is not adequate, then the transaction is denied." (col. 12, lines 61-62)

provide the retrieved balance amount to the customer.

"If their balance is adequate, then the transaction proceeds and the present invention subtracts the transaction total from the available balance, and the order is confirmed to the user..." (col. 12, lines 62-67)

Regarding claim 32:

A computerized system according to claim 31, wherein the retrieved balance amount is provided to the customer in a format readable by an Internet browser program.

Treider et al., disclose:

"Providing an electronic platform preferably comprises providing an Internet web site having the platform for users to access..." (col. 4, lines 28-32).

11. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,082,412 to Treider, et al. in view of USMED.

Regarding claim 28:

A computerized system according to claim 26, wherein the requested list of vendors and the electronic loan application are provided to the customer in a format readable by an Internet browser program.

Although Treider et al., discloses a computerized system for financing transactions between vendors, customers and financial institutions, they do not disclose using an Internet browser program for a list of vendors. USMED, in the same field of endeavor of providing for financing transactions, discloses:

“Locate a potential provider, please click here to visit the Find A Doctor section of our web site...” (pg. 2 of 5, Q3). This would require a format readable by an Internet browser program.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention motivated by USMED to include a vendor list with an internet browser since this would let customers select a vendor from the convenience of their home by using the Internet.

Regarding claim 29:

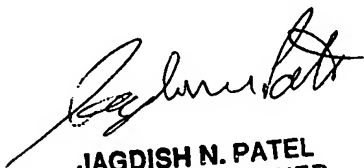
A computerized system according to claim 26, wherein the instructions for commanding the processor to provide an electronic loan application to the customer and to receive a completed electronic loan application from the customer further include instructions to encrypt the electronic loan application.

Although Treider et al., provides for a computer network and transmitting sensitive information regarding servicing loans for service and goods vendors, he does not provide details regarding instructions to encrypt an electronic loan application. The Examiner takes Official Notice that it was old and well-known in the art at the time the invention was made to include instructions to encrypt an electronic loan application motivated by the need to protect sensitive information provided by customers from abuse by others and that a loan application would contain such sensitive information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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